

A. G. Contract No. KR01 0405TRN
ADOT ECS File No. JPA 01-45
Project: 060 GI 247 H4104 01C
Section: US-60 Utility Sleeves

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF GLOBE, ARIZONA**

THIS AGREEMENT is entered into 11 July, 2001
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the
STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State")
and the CITY OF GLOBE, ARIZONA, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. Incident to an improvement project on US-60 contemplated by the State in the City, the City has requested the State install 5 each 18" PVC utility sleeves at South Street and Ash (Stn. 113+65); Cedar Street and Willow. (Stn. 44+20); Evans Street and US-60 (Stn. 265+45); US-60 at MP 248.95 and at the McSpadden property (Stn. 242+00) (MP 248.65) at a currently estimated cost of \$62,432.00, all at City expense, hereinafter referred to as the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

24755
with the Secretary of State
07/11/01
Vicky J. Greenwald

II. SCOPE OF WORK

1. The City will:

a. Provide the State with the utility as built as available, and be responsible for the accuracy of same. Provide the State and/or the State's contractor any required City permits.

b. Be responsible for all costs associated with the Project. After bid opening, but prior to the award of a Project construction contract, pay the State for the reasonable direct actual cost of the Project, plus construction engineering, in an amount currently estimated at \$62,432.00. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the City.

c. After bid opening, but prior to construction contract award, retain the right to cancel the Project in the event of excessive cost.

d. Upon completion and acceptance by the State, provide maintenance to the Project.

2. The State will:

a. Provide design plans, specifications and such other documents and services required for construction bidding and construction. Incorporate or resolve City review comments.

b. Call for bids, and with the concurrence of the City, award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Confer with the City on any Project related construction contract modifications. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the State on the State's project.

c. Invoice the City for the reasonable direct actual cost of the Project, plus construction engineering, in an amount currently estimated at \$62,432.00.

d. Upon completion, approve and accept the Project on behalf of the parties hereto.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and payments; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be canceled at any time prior to the award of a Project contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be canceled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6 All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007


City of Globe
City Manager
150 N. Pine Street
Globe, AZ 85501

7 Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

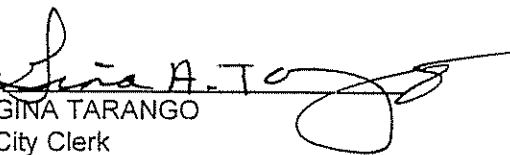
CITY OF GLOBE

STATE OF ARIZONA
Department of Transportation

By 
STANLEY M. GIBSON
Mayor

By 
WILLIAM J. HIGGINS
Deputy State Engineer

ATTEST

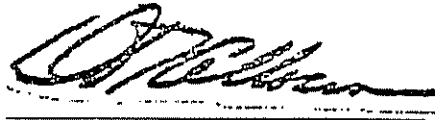
By 
GINA TARANGO
City Clerk

JPA 01-45

RESOLUTION

BE IT RESOLVED on this 22nd day of March 2001, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona, that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Globe for the purpose of defining responsibilities for the design, construction, and maintenance of utility sleeves.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.



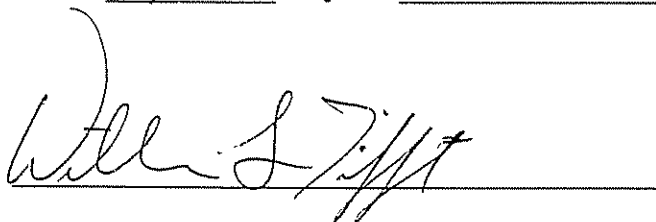
DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

JPA 00-45

APPROVAL OF THE GLOBE CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF GLOBE and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 1st day of June, 2001.

A handwritten signature in cursive script, appearing to read "Walter S. Ziff", is written over a horizontal line.

City Attorney

CITY OF GLOBE

REGULAR MEETING MINUTES

MUNICIPAL BUILDING 150 NORTH PINE STREET GLOBE, ARIZONA

MARCH 5, 2001

6:00 P.M.

The meeting was called to order by Vice Mayor Terence Wheeler at 6.00 P.M.

The Invocation was given by Shirley Rittenbach, followed by the Pledge of Allegiance led by Dennis Melford.

ROLL CALL

Councilpersons present: Wheeler, Moya, Bittner, Lopez and Johnson
Councilpersons absent: Mayor Gibson and Councilwoman Kieren, excused
Legal Counsel present: City Attorney William L. Tiff

Councilwoman Johnson moved to approve the minutes of the previous meetings.
Seconded by Councilman Lopez.

Motion carried.

CORRESPONDENCE

- 1 Councilman Bittner stated that the legislators are preparing to redistrict the State of Arizona from six to eight districts. He asked for consensus from the Council to direct the City Manager to draft a Resolution to the Committee asking them to consider a new district being a rural district only. The proposed resolution will be submitted to Council at the next Council meeting.

COUNCIL CONSIDERATIONS

- 1 REQUEST TO CONSIDER AND POSSIBLY APPROVE THE ACCOUNTS PAYABLE ITEMS FOR THE TWO WEEKS ENDING MARCH 1, 2001, AS PRESENTED

Councilwoman Johnson moved to approve the accounts payable as presented.
Seconded by Councilman Moya.

Motion carried.

- 2 REQUEST TO CONSIDER AND POSSIBLY APPROVE THE PROPOSED CHANGE ORDER FROM ODDONETTO CONSTRUCTION IN THE AMOUNT OF \$1,258.50 TO FURNISH AND INSTALL STAINLESS STEEL CLADDING AND JAMB TO THE ELEVATOR DOOR FOR THE AMSTER BUILDING ELEVATOR AS AN UPGRADE TO THE ORIGINAL SPECIFICATION

The Council is in receipt of a memo from City Manager Vyas stating that Oddonetto Construction is recommending a change to the elevator project. The original plans call for a baked enamel finish. Oddonetto Construction is recommending the installation of stainless steel cladding jambs to the elevator door. This change would be in the long-term best interest to the City and would be cost effective. There would be no change in the grant as budgeted.

Councilman Lopez moved to approve the change order from Oddonetto Construction in the amount of \$1,258.50. Seconded by Councilman Moya.

Motion carried.

3. REQUEST TO CONSIDER AND APPROVE THE SERIES 6 LIQUOR LICENSE APPLICATION RECEIVED FROM GLOBE ELKS CLUB FRATERNAL LODGE, B.P.O.E. #2809 FOR ITS FUTURE LOCATION AT 1777 EAST MAPLE STREET IN GLOBE

The Council is in receipt of the proposed Liquor License application for the Pinal Mountain Elks Lodge #2809. City Manager Manoj Vyas stated that there were no objections to this liquor license in the 20 days that it was posted. He stated that today two individuals Ken Crockett and Carol Ciallella both expressed their opposition to the proposed liquor license.

Councilwoman Johnson stated that she talked with Ms. Ciallella and she expressed that she wouldn't have a problem if a restaurant were on site with the liquor establishment.

Mr. Mike Carragher, Legal Advisor for the Pinal Mountain Elks addressed the Council stating that through a discrepancy, a class 14 license could not be transferred and they are in the process of applying for a class 14 liquor license and they will also hold a class 6 liquor license should the council approve it this evening. He stated that the closing of the property purchase for the new Elks building depended upon them receiving their liquor license and an approval of the site plan by the zoning department.

Mr. Bill Fogle of 360 S. Fourth Street and owner of property at 2105 E. Maple Street addressed the Council stating that he approves of a class 14 liquor license designated as a club license but does have a concern regarding a class 6 liquor license being granted. Since the class 16 is a tavern type license with ability to sell packaged liquor. He stated that the traffic is not conducive in this area and this club could become as active as a bar in Globe. He disagreed with the posting of the license saying that he didn't think that the license was posted for 20 days. He stated that the license was posted on the North Bound side of South Street and should have been posted on another corner of the property.

City Manager Vyas stated that the license was posted on February 9, 2001 and was picked-up from the site on March 2, 2001; therefore it was posted for the 20 days intended by law. He stated that the license was also posted on the property with good intent by the law.

Councilman Moya moved to approve the liquor license as presented by the Pinal Mountain Elks Lodge #2809. Seconded by Councilman Lopez.

Motion carried.

4. REQUEST TO CONSIDER AND POSSIBLY APPROVE ALLOCATION OF APPROXIMATELY \$62,500.00 FROM THE MAYOR & COUNCIL'S UNDESIGNATED CONTINGENCY FUND, FOR THE CITY'S SHARE OF COST TO INSTALL SIX (6) UNDERGROUND UTILITY SLEEVES ACROSS U.S. HIGHWAY 60, FOR THE FUTURE UTILITY CROSSINGS, AND THE RELATED TRAFFIC CONTROL ACTIVITIES TO BE PERFORMED BY THE CONTRACTOR SELECTED BY ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE HIGHWAY RESURFACING PROJECT IN SUMMER, 2001 AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY AGREEMENT WITH THE STATE FOR THIS PROJECT

City Manager Vyas stated that ADOT will begin milling and resurfacing the US 60 Highway as well as constructing sidewalks in the summer. He stated that to improve and modify the utility infrastructure it would be both advantageous and cost effective to contract with ADOT to install six utility sleeves at the South Street, Cedar Street, Mile Post 249 (Evans Street) near Globe Mobile Home Park, Near McSpadden Property and at a Main Street / Escudilla Drive. He stated that two of these sleeves will be borne by Southwest Gas and Arizona Water Company at their expense.

Mr. Robert Pastor, ADOT Permit Supervisor addressed the Council stating that it is advantageous to the City to contract with the State to install the six sleeves. He stated that the quote provided includes 25% high estimation for engineering costs. He recommended to the Council to approve the funding of \$62,500.00 toward this project.

Councilman Bittner stated that running conduit and sewer lines in the sidewalks of this project is a possibility.

Councilwoman Johnson moved to approve the allocation of \$62,500.00 to contract with ADOT to install six underground utility sleeves across US 60. Seconded BY Councilman Lopez.

Motion carried.

5. REQUEST TO CONSIDER AND POSSIBLY APPROVE THE PROPOSED REVISED COST IN THE AMOUNT OF \$111,700.64 RECEIVED FROM WATSON ENGINEERING (C.L. RIDGEWAY) FOR THE DESIGN-BUILD CONTRACT TO CONSTRUCT A 4-CELL CON-ARCH 12 FT X 5 FT X 78 FT CULVERT ACROSS MCMILLAN WASH PER THE REVISED PLANS PREPARED BY THE CITY ENGINEER FOR THE SOUTH BROAD STREET EXTENSION PROJECT

City Manager Vyas stated that as part of the Broad Street extension project, he recommended to the Council to approve the payment of \$111,700.64 to Watson Engineering for the design-build contract to construct a 4-cell con-arch 12' x 5' x 78' culvert across McMillan Wash. He stated that modifications have been made to include considerations requested by Arizona Eastern Railroad Co.

Councilman Wheeler moved to approve the payment of \$111,700.64 to Watson Engineering. Seconded by Councilwoman Johnson.

Motion carried

6. REQUEST TO CONSIDER AND POSSIBLY APPROVE THE REQUEST RECEIVED FROM THE CINCO DE MAYO COMMITTEE TO THE CITY TO SPONSOR THE 6TH ANNUAL CINCO DE MAYO FESTIVITIES TO BE HELD ON SATURDAY, MAY 5, 2001 IN DOWNTOWN GLOBE AND PROVIDE INSURANCE COVERAGE AND PERMISSION TO BLOCK BROAD STREET AS REQUESTED

Carmen Casillas, member of the Vecinos Y Companeros addressed the Council asking that the City co-sponsor the Cinco De Mayo event for insurance purposes and permission to block Sycamore Street, Oak Street and Cedar Street. Ms. Casillas thanked the Council for their past years support and expressed a special thanks to Councilman Moya for his help at last years event. She stated that their royalty drive encourages girls to work on their self esteem and education. She asked that the bike patrol be available during this event for extra security.

Councilwoman Johnson moved to approve the Cinco De Mayo Committee's request for co-sponsorship and the blocking of the Broad Street intersections. Seconded by Councilman Moya.

Motion carried.

7. REQUEST TO CONSIDER AND POSSIBLY APPOINT AN INTERESTED CITY OF GLOBE RESIDENT TO FILL THE CURRENTLY VACANT POSITION ON THE CITY OF GLOBE'S PLANNING AND ZONING COMMISSION

Mr. Vyas stated that he is in receipt of a letter from Fernando Shipley stating that he is interested in serving on the Planning and Zoning Commission. Mr. Vyas stated that he has received only one inquiry to fill the vacancy and he recommended the appointment of Mr. Shipley to the Planning and Zoning Commission.

Councilwoman Johnson moved to appoint Mr. Fernando Shipley to the Planning and Zoning Commission. Seconded by Councilman Moya.

Motion carried.

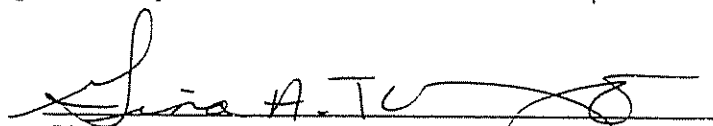
PRESENTATIONS FROM THE PUBLIC

1. Carmen Casillas stated that three weeks ago officer Serafin Razo responded to her home where her granddaughter was hurt. She stated that Officer Razo visited her granddaughter three weeks later and she asked the Council to commend Officer Razo for his conscientious efforts and for going beyond the call of duty.

The meeting adjourned at 7:10 P.M.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of the City of Globe held on the 5th day of March, 2001. I further certify that the meeting was duly called and held and that a quorum was present.




Gina A. Tarango, CMC, City Clerk



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

JANET NAPOLITANO
ATTORNEY GENERAL

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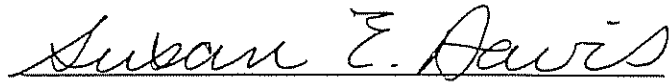
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR01-0405TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED June 27, 2001.

JANET NAPOLITANO
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:ggt

Enc.

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